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April 17, 2020

VIA ECF

The Honorable Judge Andrew L. Carter
United States District Court Judge
Thurgood Marshall United States Courthouse
40 Foley Square
New York, N.Y. 10007

MEMO ENDORSED

Re: Trustees for The Mason Tenders District Council Welfare Fund, Pension Fund, Annuity Fund and Training Program Fund et al v. Lux Builders, Inc.
S.D.N.Y. Index No. 18-cv-05429-ALC

Dear Judge Carter:

The undersigned and this firm represent Lux Builders, Inc. (“Lux”) in the above-referenced case.

I agree with counsel’s letter dated yesterday, April 17, 2020, that the parties have in good faith made efforts to resolve this matter. I also appreciate plaintiff’s and plaintiff’s counsel’s courtesy in the matter, and respectfully submit that this courtesy should not prejudice their position.

I ask that the Court permit thirty (30) days before plaintiff is required to file any papers regarding its claims, so as to permit the parties to conclude their prior efforts to resolve this matter by an agreement. I ask for the 30 days, because at this point in time I have yet not been able to talk with my client regarding this matter.

Respectfully submitted,

Peter M. Kutil

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PMK:sas

SO ORDERED:
Andrew L. Carter
HON. ANDREW L. CARTER, JR.
UNITED STATES DISTRICT JUDGE

April 22, 2020